

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

JASON WESLEY,

Plaintiff,

v.

No. 4:24-cv-0557-P

TEXAS OFFICE OF THE ATTORNEY
GENERAL,

Defendant.

**ORDER ACCEPTING FINDINGS, CONCLUSIONS, AND
RECOMMENDATION OF THE UNITED STATES
MAGISTRATE JUDGE**

On July 9, 2024, the United States Magistrate Judge issued Findings, Conclusions, and a Recommendation (“FCR”) in this case. ECF No. 6. The FCR recommended the Court dismiss this case for failure to comply with the court’s Order. *See id.* at 1. Plaintiff filed what appears to be an Objection to the FCR on July 24, 2024. ECF No. 8. Having conducted a *de novo* review of the FCR, the Court will **ADOPT** the reasoning in the Magistrate Judge’s FCR (ECF No. 6) and **OVERRULE** Plaintiff’s Objection (ECF No. 8).

Wesley’s Objection consists of a copy of the FCR with crosses hand-drawn across the Magistrate Judge’s Order. *See* ECF No. 8 at 1–2. In addition, the objection includes two brief handwritten notes that appear to say: “nature on nonconsent” and “content negated.” *See id.* A party filing an objection to an FCR must “specifically identify those findings objected to.” *Battle v. U.S. Parole Comm’n*, 834 F.2d 419, 421 (5th Cir. 1987). Therefore, plaintiffs are required to make objections to specific findings within the FCR, and frivolous, conclusory, or general objections need not be considered by the Court. *See id.* Wesley’s objection appears to be a general objection to the entirety of the FCR.

The Court can infer, however, that Wesley intended to object to the FCR as moot. The Magistrate Judge previously ordered Wesley to

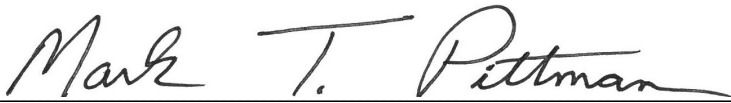
“either pay the total filing and administrative fees of \$405.00 or fully complete and return the application to proceed *in forma pauperis*” by July 8, 2024. ECF No. 5. The Magistrate Judge’s order warned that “[f]ailure to timely submit the applicable fees or a fully completed application to proceed in forma pauperis within 14 days could result in the dismissal of this case without further notice.” *Id.* (emphasis omitted). On July 24, 2024, Wesley filed a Motion for Leave to Proceed in forma pauperis along with his Objection—16 days after his deadline. ECF No. 7. Wesley’s general Objection offers no explanation for the late filing of his Motion.

Because the Magistrate Judge warned Wesley that failure to timely submit an application to proceed IFP could result in dismissal without further notice, and because Wesley failed to timely file his Motion, the Court agrees with the Magistrate Judge and **OVERRULES** Plaintiff’s Objection.

CONCLUSION

Having conducted a *de novo* review of the United States Magistrate Judge’s FCR and Plaintiff’s Objection, the Court **ADOPTS** the reasoning in the Magistrate Judge’s FCR (ECF No. 6) and **OVERRULES** Plaintiff’s Objection (ECF No. 8). The Court, therefore, **ORDERS** that this case is **DISMISSED without prejudice** for failing to comply with the Court’s order.

SO ORDERED on this **13th day of August 2024**.

A handwritten signature in black ink that reads "Mark T. Pittman". The signature is fluid and cursive, with the first name "Mark" and last name "Pittman" being clearly legible, and the middle initial "T." written in a smaller, more compact script.

Mark T. Pittman
UNITED STATES DISTRICT JUDGE